

## COMMENTS AND ARGUMENTS

### Oath/Declaration

A conversation with the examiner in early January 2003 resulted in this objection being withdrawn. Prior to the conversation, Paul Bell, of the USPTO, had individually informed both the examiner and Applicants' attorney that the original declaration filed was sufficient as the application was first filed in the USPTO as a PCT application, and the current application is the National Phase of the application.

Additionally, during the conversation with the examiner, it was confirmed that an entire copy of the disclosure has been received.

Since an English language amendment was made to the claims during the PCT Chapter I proceedings, then, in accordance with the proper rules, Applicant presumes that the claims examined in this instant application are those as presented in the Amended Sheet filed with the PCT amendment. Applicants are merely stating this for confirmation as the number of claims were not reduced during PCT prosecution and it is uncertain from the rejection which independent claim 1 was examined: either the PCT amended claim 1 or claim 1 as originally filed.

### 35 U.S.C. § 102(b)

Claims 1-6 have been rejected under 35 U.S.C. 102(b) as being anticipated by Leonard. This rejection is traversed for the reasons set forth below.

Claim 1 has been amended to obviate this rejection; however, the prior art is addressed below with respect to the amended claim.

Leonard is cited for showing an airspring comprising; "a flexible sleeve 8; first retainer 4; second retainer 6; wherein second retainer 6 having an integral bumper-contact surface (see attachment #1) within the sleeve 8 for axial movement into the sleeve, for contact with the first retainer 4; and for absorbing and transmitting forces generated from such contact."

Amended claim 1 recites that the bumper contact surface of the retainer is "centrally located on the surface of the retainer." This is not shown by Leonard.

In the marked Figure 2, and read in light of the interpretation of Leonard made for the rejection of claim 5, the axially outermost surface of the retainer 6 is considered the "bumper contact surface." Relative to the structure of the retainer 6, this bumper contact surface of Leonard is not centrally located on the surface of the retainer. Instead, it occupies the outer

annular portion of the surface of the retainer. The central portion of the retainer 6 makes no contact whatsoever with the upper retainer 4. This is evident from the teaching of Leonard: "The top of head 17 is grooved radially as at locations 25 to allow air to pass freely into bellows 8 in the compression position seen in FIG. 3." (col 2, lines 15-17). Air passes through passageway 36 during both compression and expansion of the airspring, and passageway 36 is centrally located in the lower retainer. Were the center of the retainer of Leonard to be a "bumper-contact surface" that contacts the opposing retainer, as recited, than passageway 36 would be blocked and the air flow would be restricted, contrary to the desired operation of the airspring.

Regarding claims 2-4, it is stated that the Leonard "shows support ribs 21 wherein said ribs are substantially radially extending; and are a series of concentrically disposed."

Since new claim 11 recites radially extending ribs in combination with concentrically disposed ribs, this rejection is also addressed at this time.

Leonard fails to disclose *any* radially extending ribs in the lower retainer 6. Leonard identifies the top of head 17 as "grooved radially," as more fully seen in Fig. 6. However, the presence of the two grooves 25, does not transform the top into radially extending ribs. What this does do, however, is establish what is the radially extending direction of the retainer 6. As seen in Figures 6 and 7, there are no radially extending ribs.

The skirt 21 and stem 24 may arguably be termed as concentrically disposed ribs, but as seen in Fig. 7, there are no radially extending ribs that connect the skirt 21 and the stem 24 in a manner like that recited.

Regarding claims 5 and 6, Figure 2 of Leonard has been provided with markings to show that the illustrated air spring of Leonard meets the recited limitations.

Due to the amendment to claim 1, the airspring retainer of Leonard fails to meet the limitations of claims 5 and 6.

It is respectfully requested that the rejection of the claims as being anticipated by Leonard be withdrawn.

35 U.S.C. § 103(a)

Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard in view of Koschinat et al. (USP 4,890,823).

Claims 7, 8, and 9 are all dependent upon claim 1 and the rejections are based on the teachings of Leonard. As noted above, Leonard fails to teach, disclose, or suggest the airspring of Applicants' claim 1. Thus the rejection of the dependent claims also fails.

It is respectfully requested that these rejections be withdrawn.

#### Newly Presented Claims

As noted above, new independent claim 11 contains claim language similar to that already expressed in original claims 2 to 4. Dependent claims 12-15 are identical to original claims 5-7, with a dependency linking back to claim 11.

New claim 10 recites that the bumper contact surface is radially inward of the secured ends of the elastomeric sleeve where secured by the retainer having the bumper contact surface. As seen in Applicant's Figure 1, the bumper contact surface 52 is radially inward of the lower end of the sleeve, where secured at bead 24. The lower end of the sleeve 14 is secured beneath the extending ledge 46, and as ledge 46 extends radially outward from the main structure of the retainer 26, the bumper contact surface 52 will always be radially inward from the secured end of the sleeve. In comparison to Leonard, due to the end of the sleeve being secured below the head 17 of the retainer 6 and extending alongside the barbs 22, the sleeve end is at the same radial position as the bumper contact surface, and is not outward of the bumper contact surface as recited.

#### Cited Prior Art

While not required, Applicants have chosen to comment on the remaining prior art cited of interest by the Examiner.

McGavern Jr. discloses a telescoping fluid cylinder. The cylinder has a first and second opposing retainer plates. Viewing Figure 1 as presented, at the upper end of the cylinder has a bumper 23 located on an extending hollow element. This unit is further mounted on the retainer plate 16 that retains one end of the elastomeric sleeve 11. The bumper element 23 is a solid rubber element and is not integrally formed with the retainer plate as recited by Applicant.

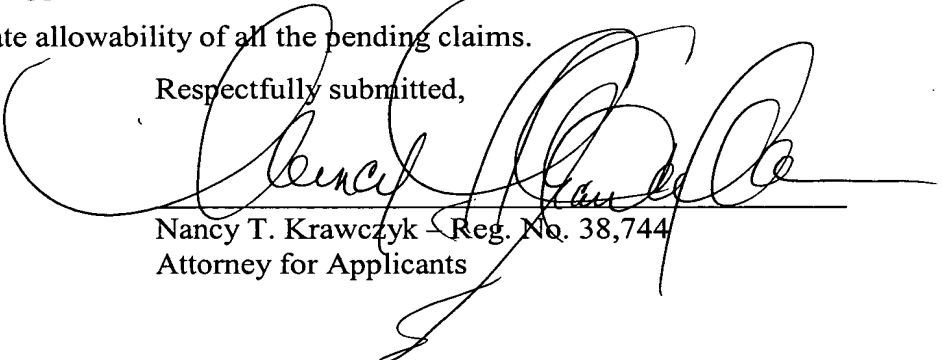
Weitzenhof also discloses elements extending into the damping device. Like McGavern Jr, the elastomeric element 26 is not integrally formed with the upper retainer. If

element 51 is being considered as the integrally formed bumper contact surface associated with a lower retainer, it is noted that the remaining structure of Weitzenhof fails to meet Applicants other claim elements wherein the sleeve is secured both to the retainer having the integral bumper and the opposing retainer which the integral bumper strikes.

Koschinat (US 5060916) also discloses an elastomeric bumper mounted onto the retainer plate. It is exactly this type of bumper which Applicants invention seeks to eliminate. Ecktman and Trowbridge teach nothing different than Koschinat or the admitted prior art: an thermoplastic or thermoelastic separate bumper secured to the retainer during the assembly of the entire airspring.

In light of the amendment and the arguments set forth, Applicants believe the claims now pending in the subject patent application are in condition for allowance. The Examiner is respectfully requested to indicate allowability of all the pending claims.

Respectfully submitted,



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